

SP-2165



Attorney Docket No. 56055-0013

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

W. Reed Hastings, et al.

Serial No.: 09/884,816

Filed on: June 18, 2001

) Confirmation No.: 5101
)
) Examiner: NYA
)
) Group Art Unit No.: 2165
)

For: APPROACH FOR ESTIMATING USER RATINGS OF ITEMS

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

Enclosed is a copy of Information Disclosure Citation Form PTO-1449 together with copies of the documents cited on that form. It is respectfully requested that the cited documents be considered and that the enclosed Information Disclosure Citation Form PTO-1449 be initialed by the Examiner to indicate such consideration and a copy thereof returned to applicant(s).

Pursuant to 37 C.F.R. § 1.97, the submission of this Information Disclosure Statement is not to be construed as a representation that a search has been made and is not to be construed as an admission that the information cited in this statement is material to patentability.

Pursuant to 37 C.F.R. § 1.97, this Information Disclosure Statement is being submitted under one of the following (as indicated by an "X" to the left of the appropriate paragraph):

 X 37 C.F.R. §1.97(b).
 37 C.F.R. §1.97(c). If so, then this Information Disclosure Statement includes one of the following:

 A statement pursuant to 37 C.F.R. §1.97(e)

 1.97(e)(1) The undersigned hereby states that each item of information contained in this information disclosure statement was first cited in communication from a foreign patent office in a counterpart

foreign application not more than three months prior to the filing of this information disclosure statement.

_____ 1.97(e)(2) The undersigned hereby states that no item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of this information disclosure statement.

_____ A check for \$180.00 for the fee under 37 C.F.R. § 1.17(p).

_____ 37 C.F.R. §1.97(d). If so, then this Information Disclosure Statement includes the following:

_____ A statement pursuant to 37 C.F.R. §1.97(e)

_____ 1.97(e)(1) The undersigned hereby states that each item of information contained in this information disclosure statement was first cited in communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement; OR

_____ 1.97(e)(2) The undersigned hereby states that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of this information disclosure statement.

AND

_____ A check for \$180.00 for the fee under 37 C.F.R. §1.17(i) for submission of the Information Disclosure Statement.

_____ 37 C.F.R. §1.97(i). Wherein applicants are submitting references before the grant of a patent to be placed in the file but not considered by the Patent office.

- (1) Accordingly, copies of the references as listed on the attached Form PTO 1449 are submitted herewith for placement in the file. No certification or fees are deemed necessary.

The Examiner's attention is directed to the following related application(s) for the following reasons (as indicated by an "X" to the left of the appropriate paragraph):

_____ The Examiner is hereby notified that the following related application has been filed:

U.S. Application/ Pat. No.	File Date	Atty. Docket. No.

This related application contains one or more claims that may be substantially similar to one or more claims in the present application. Therefore, the Examiner is encouraged to reference the file history of the related application as some of the information contained therein may be material to the examination of the present application.

 X The Examiner is hereby notified that the present application is related to the following related application(s):

U.S. Application/ Pat. No.	File Date	Atty. Docket. No.
6,584,450	April 28, 2000	56055-0011
10/438,727	May 14, 2003	56055-0019
10/773,843	February 6, 2004	56055-0024
10/746,605	December 23, 2003	56055-0022

The related application(s) contain(s) one or more claims that may be substantially similar to one or more claims in the present application, those claims may have been rejected in the related application(s), and a different interpretation may have been applied to one or more of the references that are of record in the present application. Therefore, the Examiner is encouraged to review the file history(ies) of the related application(s) as some of the information contained therein may be material to the examination of the present application.

_____ The Examiner is hereby notified that for the following related application(s) an Office Action has been received as indicated below:

U.S. Application/ Pat. No.	File Date	Office Action Mailing Date	Atty. Docket. No.

The related application(s) contain(s) one or more claims that may be substantially similar to one or more claims in the present application, those claims may have been rejected in the related application(s), and a different interpretation may have been applied to one or more of the references that are of record in the present application. Therefore, the Examiner is encouraged to review the file history(ies) of the related application(s) as some of the information contained therein may be material to the examination of the present application.

Throughout the pendency of this application, please charge any additional fees, including any required extension of time fees, and credit all overpayments to deposit account 50-1302. A duplicate of this sheet is enclosed.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

Dated: 10/11/04



Edward A. Becker
Reg. No. 37,777

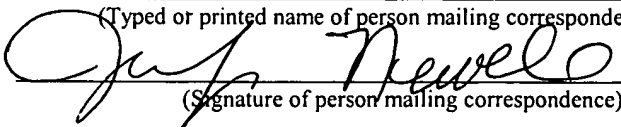
1600 Willow Street
San Jose, California 95125-5106
Telephone: (408) 414-1080
Facsimile: (408) 414-1076

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

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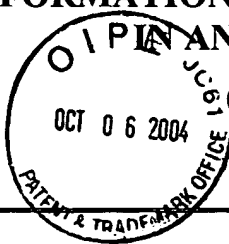
Jennifer Newell

(Typed or printed name of person mailing correspondence)



(Signature of person mailing correspondence)

INFORMATION DISCLOSURE CITATION IN AN APPLICATION (PTO-1449)	ATTY. DOCKET NO. 56055-0013	SERIAL NO. 09/884,816
	APPLICANT: W. Reed Hastings, et al.	
	FILING DATE: June 18, 2001	GROUP: 2165



U.S. PATENT DOCUMENTS						
Exam. Initial*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (If known)			
		5,095,195		Harman et al.	03-10-1992	
		5,664,110		Green et al.	09-02-1997	
		5,918,213		Bernard et al.	06-29-1999	
		6,286,139	B1	Decinque	09-04-2001	

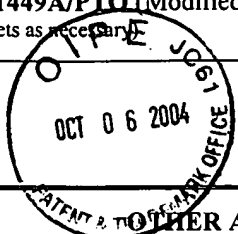
FOREIGN PATENT DOCUMENTS							
Exam. Initial*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Office ³	Number ⁴	Kind Code ⁵ (If known)			
		JP	2001243285	A	OKI ELECTRIC IND CO LTD	09-07-2001	

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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard S.3). ⁴For Japanese patent documents, the indication of the year of reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

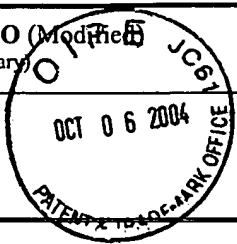
Substitute for Form 1449A/PTO (Modified) (use as many sheets as necessary)		Attorney Docket No.: 56055-0013	Application Number: 09/884,816
		First Named Inventor: W. Reed Hastings	
		Filing Date: June 18, 2001	
OTHER ART – NO PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	Translation ²
		“Facts About the Library,” a section of book entitled “Oh! Say. Can You See...” 1992 American Action Fund for Blind Children and Adults, retrieved from http://web.archive.org/web/20000104114940/www.actionfund.org/saysee09.htm , 2 pages.	
		Application for Library Services for the Kenneth Jernigan Library for Blind-Children, last updated May 27, 1999, retrieved from http://web.archive.org/web/19991103190509/www.actionfund.org/kjlib.htm , 3 pages.	
		Audio Diversions Home Page, last updated 3/8/99 [online] retrieved on 2/26/2004 from http://web.archive.org/web/19990508140319/www.audiodiversions.com/audiodiversions-cgi/home.cgi ; 2 pages.	
		Literature for Listening Club of Audio Diversions, last updated 3/12/99 [online] retrieved on 8/31/03 from http://web.archive.org/web/19990908120905/www.audiodiversions.com/audiodiversions-cgi/listening.cgi?id=0508075008 ; 2 pages.	
		Audiobook Search of Audio Diversions [online] retrieved on 8/31/03 from http://web.archive.org/web/19990908104726/www.audiodiversions.com/audiodiversions-cgi/catalog.cgi?id=0508075008 , 2 pages.	
		Books On Tape Home page, April 22, 1999 [online] retrieved on 8/31/03 from http://web.archive.org/web/19990424061355/http://www.booksontape.com/ , 2 pages.	
		More About B-O-T® & Frequently Asked Questions, [online] retrieved on 8/31/03 from http://web.archive.org/web/19990508223402/http://www.booksontape.com/i/help.htm , 11 pages.	

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Examiner Initials*	Cite No ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	Translation ²
		America's Online Door to Door Rental Store, 1999 copyright [online] retrieved from http://web.archive.org/web/19990922160527/http://www.dvdovernight.com/ ; 2 pages.	
		Getting Started, 1999 copyright [online] retrieved from http://web.archive.org/web/20000304111243/www.dvdovernight.com/started.html ; 7 pages.	
		Top DVD Rentals, DVD Overnight Store Policies & Frequently Asked Questions, 1999 copyright [online] retrieved from http://web.archive.org/web/19991123014901/www.dvdovernight.com/service.html ; 8 pages.	
		Customer Service Questions & Answers, 2000 copyright [online] retrieved from http://web.archive.org/web/20001109071400/www.dvdovernight.com/dvd/customer_service.html ; 5 pages.	
		DVD Cache Frequently Asked Questions, [online] retrieved from http://web.archive.org/web/20000512001209/www.dvdcache.com/store/customer_service.html ; 5 pages.	
		Libraries [online] retrieved on 2/26/2004 from http://www.archives.mcgill.ca/resources/guide/vol1/rg40.htm ; 8 pages.	
		Fastlane Video & Records – Rental Prices [online] retrieved from http://web.archive.org/web/19990506190744/members.aol.com/atfastlane/video/rental.htm ; 1 page.	
		5 Day Rental [online] retrieved from http://web.archive.org/web/19990210101315/members.aol.com/atfastlane/video/index.htm ; 13 pages.	
		Fastlane Video & Records [online] retrieved from http://web.archive.org/web/19990209181937/members.aol.com/atfastlane/ ; 2 pages.	

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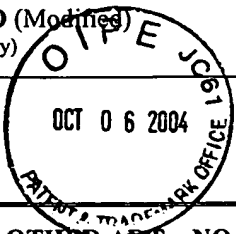
Examiner Initials*	Cite No ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	Translation ²
		Fastlane Video & Records – Payment on Account [online] retrieved from http://web.archive.org/web/19990504102814/members.aol.com/atfastlane/video/payment.htm ; 1 page.	
		“Try Before You Buy Program” [online] retrieved from http://web.archive.org/web/19990922040420/www.gametradersclub.com/gametradersclub/tryb.html ; 2 pages.	
		“Trade or Sell Your Games! [online] retrieved from http://web.archive.org/web/19991010012624/www.gametradersclub.com/gametradersclub/tradorselyou.html ; 2 pages.	
		“Try Before You Buy Program” [online] retrieved from http://web.archive.org/web/19991012021059/gametradersclub.com/gametradersclub/tryb.html ; 2 pages.	
		Print Culture and English Speaking Quebec [online] retrieved on 2/26/04 from http://www.hbic.library.utoronto.ca/fconfmcnally_fr.htm ; 5 pages.	
		Welcome to Home Film [online] retrieved from http://web.archive.org/web/19961106000542/http://www.homefilmfestival.com/index.html ; 3 pages.	
		Membership [online] retrieved from http://web.archive.org/web/19961106001054/www.homefilmfestival.com/membership.html ; 2 pages.	
		It’s Easy! Ordering info [online] retrieved from http://web.archive.org/web/19961106001006/www.homefilmfestival.com/infolack.html ; 2 pages.	
		Online Video Rentals Multiple Rental Order Form [online] retrieved on 7/2/2003 from http://web.archive.org/web/19990420045928/www.homefilmfestival.com/lrgor dr.html ; 3 pages.	

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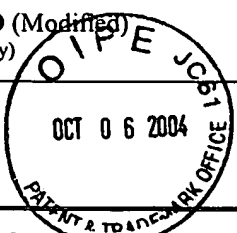
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		Online Video Rentals Individual Rental Order [online] retrieved on 7/2/2003 from http://web.archive.org/web/19990127160422/www.homefilmfestival.com/indor dr.html ; 3 pages.	
		Magic Disc Entertainment [online] retrieved on 2/27/2004 from http://web.archive.org/web/19981206142316/http://www.magicdisc.com/ ; 2 pages.	
		Rental Program [online] retrieved from http://web.archive.org/web/19990503073644/www.magicdisc.com/rentals/rentalprogram.htm ; 3 pages.	
		Featured DVDs for Saturday, January 16, 1999, 1997-1999 copyright [online] retrieved on 7/3/2003 from http://web.archive.org/web/19990117011532/http://www.netflix.com/ ; 5 pages.	
		DVD Favorites, 1997-1999 copyright [online] retrieved on 7/3/2003 from http://web.archive.org/web/19991204131346/www.netflix.com/sf/favorites.asp?sid=14 ; 4 pages.	
		Future Reflections, Barbara Cheadle, Vol. 12, No. 1 Winter, 1993 [online] retrieved on 8/23/2003 from http://www.nfb.org/fr/fr1/93win.htm ; pp. 1-2; 70-72.	
		"Hear Ye! Hear Ye! National Federation of the Blind archived in February 1999 retrieved from http://web.archive.org/web/19991112190729/www.nfb.org/fr98ws20.htm , 7 pages.	
		E-mail posting: Newsgroups: alt.games.video.sony-playstation from: David Esposito (cooldej@home.com) with subject: NEED CHEEP GAMES; Date: 1999/02/07; 1 page.	
		E-mail posting: Newsgroups: alt.games.video.sony-playstation from: ramon (ramon@theriver.com) with subject: NEED CHEEP GAMES; Date: 1999/02/08; 1 page (same page as Esposito posting).	

Examiner Signature		Date Considered	
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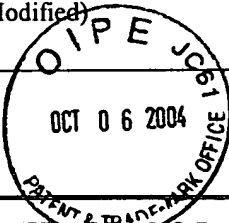
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		E-mail posting: Newsgroups: alt.games.video.sony-playstation from: ramon (ramon@theriver.com) with subject: 100'S OF GAMES FOR ABOUT A BUCK A DAY...(INCREDIBLE DEAL); Date: 1999/02/06; 1 page.	
		E-mail posting: Newsgroups: alt.games.video.sony-playstation from: ramon (ramon@theriver.com) with subject: Best Deal Around 100's of games for about a buck a day; Date: 1999/02/08; 1 page.	
		E-mail posting: Newsgroups: alt.games.video.sony-playstation from: ramon (ramon@theriver.com) with subject: Best Deal I've Ever Seen ... 100's of games for about a buck a day; Date: 1999/02/08; 1 page.	
		E-mail posting: Newsgroups: alt.games.video.sony-playstation from: ramon (ramon@theriver.com) with subject: Best Deal Ever!! Choose from 100's of games for about a buck a day... Plus a Free Playstation; Date: 1999/02/09; 1 page.	
		E-mail postings of 6 messages in a thread from the following message: Newsgroups: alt.games.video.sony-playstation from: ramon (ramon@theriver.com) with subject: Best Deal Ever..All the N-64 Games You Want for About a Buck a Day; Date: 1999/02/10; 3 pages.	
		E-mail posting: Newsgroups: alt.games.video.sony-playstation from: ramon (ramon@theriver.com) with subject: All the New Playstation Games are Yours for About a Buck a Day; Date: 1999/02/10; 1 page.	
		E-mail posting: Newsgroups: alt.games.video.sony-playstation from: ramon (ramon@theriver.com) with subject: Check Out the New Web Site (Best Deal I've Seen); Date: 1999/07/11; 1 page.	
		E-mail posting: Newsgroups: alt.games.video.sony-playstation from: ramon (ramon@theriver.com) with subject: How Many Games Can You Beat In A Month?; Date: 1999/07/11; 1 page.	
		"A New Way to Avoid Exercise", Newsweek Mar. 15, 1999; 1 page.	

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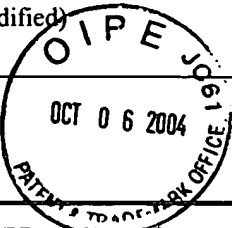
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OTHER ART NO PATENT LITERATURE DOCUMENTS			
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		Additional Information from Sally Fry, Community Relations Coordinator Unabashed Librarian, No. 82, p. 3 1991.	
		Mailbox Access to Your Library (MAYL), Florida Libraries, Unabashed Librarian, No. 82, p. 3 1991.	
		Glenn Miller, Letter from Glen Miller, Director of Orange County Library System, Unabashed Librarian, No. 82, p. 3 1991.	
		Brass, Kevin, "Company Town; Rental Control; Video Distributor Takes Industry Down Controversial Path", <i>Los Angeles Times</i> , November 28, 1997; 4 pages.	
		Mary L. Daniels, "A Love for Libraries; Whether Large or Small, They are Special Places, Editorial; pg. A19, Orlando Sentinel, November 11, 1994; 2 pages; 2 pages.	
		DeJong, Jennifer, "Securing Your Site for the Age of E-Commerce", VAR Business Strategy Guide Supplement Nov. 16, 1998; 3 pages.	
		"Door-to-Door Service", High Points, Feb. 1999; Vol. 6, No. 2, Pg. 50, 2 pages.	
		Greenemeier, Larry, "Manna Rises Above Conventional"; Net Marketing; Manna Network Technologies Midrange Systems, Dec. 18, 1998; No. 18, Vol. 11; pg. 41; 2 pages.	
		Hilda M. Hamlyn, "Eighteenth-century circulating libraries in England," The Library, pages 197-222, December 1946.	
		Horowitz, Alan, S., "PC Leasing Gains Ground – Shorter life spans popularize practice", Information Week, May 25, 1998, 3 pages.	
		Ingram, Bob, "Boston Bears Watching" Supermarket Business Mar. 1, 1999; 5 pages.	

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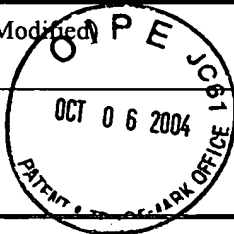
Substitute for Form 1449A/PTO (Modified) (use as many sheets as necessary)		Attorney Docket No.: 56055-0013	Application Number: 09/884,816
		First Named Inventor: W. Reed Hastings	
		Filing Date: June 18, 2001	
OTHER ART—NO PATENT LITERATURE DOCUMENTS			
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		Kim, Nancy J., "Nordstrom seen Net gains with Streamline", Puget Sound Business Journal Oct. 30, 1998; 2 pages.	
		Alan Donald McKillop, "English circulating libraries, 1725-50" The Library, pp. 477:-485, March 1934.	
		Memmott, Carol, "Web Site Streamlines Your Errands", USA Today Nov. 16, 1998; 2 pages.	
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		Shrieves, Linda, "Now Library Books Just Show Up at Your Door", Orlando Sentinel, December 7, 1990; 2 pages.	
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		Hal R. Varian, "Buying, renting, and sharing information goods," Technical report, School of Information Management and Systems, UC Berkeley, December 1994; 20 pages.	
		Hal R. Varian, "Circulating Libraries and Video Rental Stores," December 1996, retrieved from http://web.archive.org ; pp. 1-14.	

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		Hal R. Varian, et al., "Circulating Libraries and Video Rental Stores," University of Michigan, Dearborn, University of California, Berkeley, http://www.sims.berkeley.edu/~hal/Papers/history/history.html , March, 2000; pp. 1-13.	
		Griest, Guinevere L.: Mudie's Circulating Library and the Victorian Novel. Bloomington and London, Indiana, Univ. Press, 1970, 282 pages.	
		<u>Books by Mail, a handbook for libraries</u> (1977) by Choong H. Kim. In the Quebec section at p. 394, the <i>McLennan Traveling Libraries of McGill University</i> were reviewed, 2 pages.	
		James Lardner, <u>Fast Forward: Hollywood, the Japanese and the Onslaught of the VCR</u> by, Chapter 12 Wilbur & Orville & Tom, Dick, & Harry and Chapter 13 The Rental Wars, pp. 168-202 (1987).	
		Abigail A. Loomis, "Subscription libraries," in Wayne A. Wiegand and Jr. Donald G. Davis, editors, <u>Encyclopedia of Library History</u> , pages 608-10. Garland Publishing, Inc., New York & London, 1994.	
		Glenn Miller <u>Customer Service & Innovation in Libraries</u> pp. 73-90, Highsmith Press 1996. ("Book").	
		Brad Dick, Editor, "The Future of Television," Broadcast Engineering, NA, Dec. 1999, 1 page.	
		"About Us" web page from www.netflix.com , 1 page.	
		Web page printout for http://www.netflix.com/ on Jan. 17, 1999, at http://web.archive.org/web/19990117080920/ http://www.netflix.com , 5 pages.	

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